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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,798	08/31/2001	Kazuyuki Matsuoka	0425-0846P	9781

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EXAMINER

NELSON, PETER A

ART UNIT PAPER NUMBER

3641

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/20/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- Of the above claim(s) 4-12, 14, 17, 19-23, 27, 28, 30+31 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3, 13, 15, 18, 24-26+29 is/are rejected.
- ☒ Claim(s) 16 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. Claims 4-12, 14, 17, 19-23, 27, 28, 30 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

The traversal has been noted but the Examiner still believes that the searches of the other species for each of the three components is not coextensive, and would create an undue burden. The inventions are classified in areas not searched during the search of the elected invention.

Also, it is noted that applicants failed to state which claims read on the elected species. Claims 103, 13, 15, 16, 18, 24, 25, 26 and 29 read on this material, and, therefore, are examined herein.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 13, 15, 18, 24, 25, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al in view of Yoshida and Butt et al.

Ramaswamy et al teach the elected composition, except that 5-AT is used as the main generant, and also that the reference is silent as to the specific surface area of the oxidizer. Butt et al teach the use of dicyandiamides as the generant. It would be obvious to one skilled in the art desiring to not use a hydrazoic acid derivative (as applicants specifically exclude in claim 25 to use the generant of Butt et al in the

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Ramaswamy et al composition. Also, Yoshida recognizes the problem commensurate with manganese dioxide in its usual form (i.e., does not insure satisfactory shock sensitivity) (col. 2, lines 49-56). It likewise would be obvious to an artisan desiring to successfully use the MnO_2 of Ramaswamy et al to increase the surface area thereof to be greater than applicants' minimum thereby ensuring a successful deployment in the Ramaswamy et al composition.

4. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This claim would be allowed if restricted to the elected species.

5. Any inquiry concerning this communication should be directed to Peter Nelson at telephone number 703-306-4166.

Nelson/cw
August 1, 2002


PETER A. NELSON
PRIMARY EXAMINER